

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

TONY RANDALL LOGAN,)	
)	
Petitioner,)	
)	1:12CV699
v.)	1:09CR12-1
)	
UNITED STATES OF AMERICA,)	
)	
Respondent.)	

ORDER

This matter is before this court for review of the Recommendations filed on July 6, 2015, and July 28, 2015, by the Magistrate Judge in accordance with 28 U.S.C. § 636(b). (Docs. 40, 43.) In the July 6, 2015 Recommendation, the Magistrate Judge recommends that Petitioner's Motion to Vacate, Set Aside, or Correct Sentence (Doc. 26) be denied, that Petitioner's Motion to Dismiss (Doc. 38) be denied, and that this action be dismissed. The Recommendation was served on the parties to this action on July 6, 2015 (Doc. 41). No objections were filed by Petitioner to the Recommendation. In the July 28, 2015 Recommendation, the Magistrate Judge recommends that Petitioner's Motion to Amend (Doc. 42) be denied. The Recommendation was served on the parties to this action on

July 28, 2015 (Doc. 44). Petitioner timely filed objections (Doc. 45) to the Recommendation.

This court is required to "make a de novo determination of those portions of the [Magistrate Judge's] report or specified proposed findings or recommendations to which objection is made." 28 U.S.C. § 636(b)(1). This court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the [M]agistrate [J]udge. . . . [O]r recommit the matter to the [M]agistrate [J]udge with instructions." Id.

This court has appropriately reviewed the portions of the Recommendation to which objections were made and has made a de novo determination which is in accord with the Magistrate Judge's Recommendation. This court therefore adopts the Recommendations.

IT IS THEREFORE ORDERED that the Magistrate Judge's Recommendations (Docs. 40, 43) are **ADOPTED**. **IT IS FURTHER ORDERED** that Petitioner's Motion to Vacate, Set Aside, or Correct Sentence, as amended, (Doc. 26) is **DENIED**, that Petitioner's Motion to Dismiss (Doc. 38) is **DENIED**, that Petitioner's Motion to Amend (Doc. 42) is **DENIED**, and that this action is **DISMISSED WITH PREJUDICE**. A Judgment dismissing this action will be entered contemporaneously with this Order. Finding no substantial issue for appeal concerning the denial of

a constitutional right affecting the conviction, nor a debatable procedural ruling, a certificate of appealability is not issued.

This the 31st day of August, 2015.

William L. Ostrum, Jr.

United States District Judge